

**REPORT OF THE AUDIT OF THE  
MCLEAN COUNTY  
SHERIFF'S SETTLEMENT - 2007 TAXES**

**For The Period  
May 8, 2007 Through May 5, 2008**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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**EXECUTIVE SUMMARY**  
**AUDIT EXAMINATION OF THE**  
**MCLEAN COUNTY**  
**SHERIFF'S SETTLEMENT - 2007 TAXES**

**For The Period**  
**May 8, 2007 Through May 5, 2008**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2007 Taxes for the McLean County Sheriff for the period May 8, 2007 through May 5, 2008. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The Sheriff collected taxes of \$2,895,286 for the districts for 2007 taxes, retaining commissions of \$111,016 to operate the Sheriff's office. The Sheriff distributed taxes of \$2,783,812 to the districts for 2007 Taxes. Refunds of \$551 are due to the Sheriff from the taxing districts.

**Report Comment:**

- The Sheriff's Office Lacks Adequate Segregation Of Duties

**Deposits:**

The Sheriff's deposits were insured and collateralized by bank securities.



## CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT .....	1
SHERIFF'S SETTLEMENT - 2007 TAXES .....	3
NOTES TO FINANCIAL STATEMENT .....	5
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS.....	9
COMMENT AND RECOMMENDATION.....	13





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Larry Whitaker, McLean County Judge/Executive

Honorable Frank Cox, McLean County Sheriff

Members of the McLean County Fiscal Court

Independent Auditor's Report

We have audited the McLean County Sheriff's Settlement - 2007 Taxes for the period May 8, 2007 through May 5, 2008. This tax settlement is the responsibility of the McLean County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the McLean County Sheriff's taxes charged, credited, and paid for the period May 8, 2007 through May 5, 2008, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated November 26, 2008 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Larry Whitaker, McLean County Judge/Executive

Honorable Frank Cox, McLean County Sheriff

Members of the McLean County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen

Auditor of Public Accounts

November 26, 2008



MCLEAN COUNTY  
FRANK COX, SHERIFF  
SHERIFF'S SETTLEMENT - 2007 TAXES

For The Period May 8, 2007 Through May 5, 2008

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 395,234	\$ 253,530	\$ 1,475,754	\$ 395,234
Tangible Personal Property	34,060	14,003	87,611	63,912
Fire Protection	502			
Franchise Taxes	48,807	21,888	135,074	
Additional Billings	611	391	2,307	699
Oil and Gas Property Taxes	7,289	4,585	27,218	7,289
Penalties	3,208	2,007	11,806	3,219
Adjusted to Sheriff's Receipt	<u>(431)</u>	<u>(180)</u>	<u>(1,598)</u>	<u>(432)</u>
Gross Chargeable to Sheriff	<u>489,280</u>	<u>296,224</u>	<u>1,738,172</u>	<u>469,921</u>
<u>Credits</u>				
Exonerations	1,641	1,032	6,270	1,647
Discounts	6,721	4,189	24,398	7,310
Delinquents:				
Real Estate	<u>7,089</u>	<u>4,459</u>	<u>26,467</u>	<u>7,088</u>
Total Credits	<u>15,451</u>	<u>9,680</u>	<u>57,135</u>	<u>16,045</u>
Taxes Collected	473,829	286,544	1,681,037	453,876
Less: Commissions *	<u>20,425</u>	<u>12,178</u>	<u>58,836</u>	<u>19,577</u>
Taxes Due	453,404	274,366	1,622,201	434,299
Taxes Paid	453,299	274,330	1,621,972	434,211
Refunds (Current and Prior Year)	<u>142</u>	<u>116</u>	<u>631</u>	<u>120</u>
		**		
Refunds Due Sheriff				
as of Completion of Audit	<u>\$ (37)</u>	<u>\$ (80)</u>	<u>\$ (402)</u>	<u>\$ (32)</u>

\* And \*\* See Next Page.

The accompanying notes are an integral part of this financial statement.

MCLEAN COUNTY  
FRANK COX, SHERIFF  
SHERIFF'S SETTLEMENT - 2007 TAXES  
For The Period May 8, 2007 Through May 5, 2008  
(Continued)

\* Commissions:

10% on	\$	10,000
4.25% on	\$	1,204,249
3.5 % on	\$	1,681,037

\*\* Special Taxing Districts:

Health District	\$	(20)
Extension District		(4)
Soil District		<u>(56)</u>
Refunds Due Sheriff	\$	<u><u>(80)</u></u>

MCLEAN COUNTY  
NOTES TO FINANCIAL STATEMENT

May 5, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The McLean County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

MCLEAN COUNTY  
NOTES TO FINANCIAL STATEMENT  
May 5, 2008  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The McLean County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of May 5, 2008, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

Property Taxes

The real and personal property tax assessments were levied as of January 1, 2007. Property taxes were billed to finance governmental services for the year ended June 30, 2008. Liens are effective when the tax bills become delinquent. The collection period for these assessments was October 30, 2007 through May 5, 2008.

Note 4. Interest Income

The McLean County Sheriff earned \$268 as interest income on 2007 taxes. As of November 26, 2008, the Sheriff owed \$151 in interest to the school district and \$117 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The McLean County Sheriff collected \$14,316 of 10% add-on fees allowed by KRS 134.430(3). This amount is to be used to operate the Sheriff's office. As of November 26, 2008, the Sheriff owed \$5,657 in 10% add-on fees to his fee account.

Note 6. Advertising Costs And Fees

The McLean County Sheriff collected \$1,127 of advertising costs and \$2,180 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). As of November 26, 2008, the Sheriff owed \$1,127 in advertising costs to the county and \$2,180 in advertising fees to his fee account.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Larry Whitaker, McLean County Judge/Executive  
Honorable Frank Cox, McLean County Sheriff  
Members of the McLean County Fiscal Court

Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the McLean County Sheriff's Settlement - 2007 Taxes for the period May 8, 2007 through May 5, 2008, and have issued our report thereon dated November 26, 2008. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the McLean County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the McLean County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the McLean County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the McLean County Sheriff's Settlement - 2007 Taxes for the period May 8, 2007 through May 5, 2008 is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

The McLean County Sheriff's response to the finding identified in our audit is included in the accompanying comment and recommendation. We did not audit the Sheriff's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the McLean County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen  
Auditor of Public Accounts

November 26, 2008



COMMENT AND RECOMMENDATION



MCLEAN COUNTY  
FRANK COX, SHERIFF  
COMMENT AND RECOMMENDATION

For The Period May 8, 2007 Through May 5, 2008

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties

During our review of internal controls, we noted the Sheriff's office has a lack of segregation of duties. The bookkeeper prepares tax reports, distributes tax payments, reconciles checking accounts, collects money, prepares deposits, and makes deposits. Documented compensating controls were not in place to offset this control deficiency. The deficiency as described above is a significant deficiency and a material weakness. We make the following recommendations to implement compensating controls:

- The Sheriff should document approval of the monthly tax reports.
- A co-signature should be required on all checks.
- Cash counts should be documented and the person performing the count should sign off as proof. If cash is recounted, that person should also sign off daily.
- Cash should periodically be recounted and deposited by the official. The official should document this cash count.
- Bank reconciliations should be checked and approved by someone other than the preparer of the reconciliation. This should be documented on the bank reconciliation.

*Sheriff's Response:* None.

